

New Shoreham Town Council Minutes
Wednesday, March 17, 2010
Town Hall, Old Town Road, Block Island
7:00 p.m.

Present: First Warden Kimberley H. Gaffett, Second Warden Raymond J. Torrey, Town Councilor Peter B. Baute and Town Councilor Richard P. Martin. Councilor Kenneth C. Lacoste was absent. Also present was Town Manager Nancy O. Dodge. Town Clerk Fiona Fitzpatrick was present to take the minutes of the meeting.

Call to order: First Warden Gaffett called the meeting to order at 7:00 p.m.

Warden's Report: First Warden Gaffett reported the next budget work sessions will be March 24 and March 31, 2010 at 7:00. As a result of requests from the public, the PUC will be conducting another public hearing on Block Island for comment on PUC Docket #4111 at Town Hall, 10:30 on Friday, March 26. The Town Council will meet with Senator Sosnowski and Representative Walsh at 2:15 on Friday, March 26. The Supreme Court's order of remand sent Champlin's Realty, Inc.'s application back to the CRMC; no hearing is expected for three to six months while new members read the lengthy docket. The Fire Department has closed Snake Hole Road at Graham Jones' property while a new road is being built.

Public Input: Mr. Martin noted many of the younger fire fighters were stranded on the mainland for three days when the boats did not run; the few veteran firemen did a great job fighting the house fire Saturday night. Dr. Baute complimented BIPCO's staff for keeping the lights on during the severe storm.

1. Set Public Hearing Dates:

- Application of Payne's 1614 Realty, LLC to amend New Shoreham's Zoning Ordinance Section 310(E) "Mixed Use Zone Permitted Uses;" and to amend New Shoreham's Zoning Map to change Plat 5, Lot 111 (Payne's New Harbor Inn) from Mixed Use Zone to New Harbor Commercial Zone

The applicant submitted proposals to amend the Zoning Map and change the Zoning Ordinance. Attorney Packer directed the Clerk to advertise the provisions separately.

Mr. Martin moved to set a public hearing date of April 21, 2010, seconded by Mr. Torrey.

Ayes: 4 (Gaffett, Torrey, Baute, Martin) Nays: 0 Absent: 1 (Lacoste)

2. Community Development Block Grant Application

- Prioritize Application
- Act on Resolution

First Warden Gaffett noted only one application was received. A resolution in support of the Block Island Housing Board's CDBG application is attached to these minutes.

Dr. Baute moved to approve the resolution, seconded by Mr. Torrey.

Ayes: 4 (Gaffett, Torrey, Baute, Martin) Nays: 0 Absent: 1 (Lacoste)

3. Receive and act on TNS Police Department Monthly Report: February, 2010

Mr. Torrey moved to accept the February, 2010 report of the New Shoreham Police Department, seconded by Mr. Martin.

Ayes: 4 (Gaffett, Torrey, Baute, Martin) Nays: 0 Absent: 1 (Lacoste)

Police Chief Vincent Carlone was present. He noted the State Fire Marshal has investigated the house fire and ruled it accidental. There are no leads in the investigation of the cemetery vandalism.

4. Act on Deer Tag reimbursement requests

Mr. Martin moved to reimburse for deer tags as presented, and to authorize the expenditure of \$850.00 from contingency for 68 deer tags. The motion was seconded by Mr. Torrey.

Ayes: 4 (Gaffett, Torrey, Baute, Martin) Nays: 0 Absent: 1 (Lacoste)

5. Receive and act on letter from RI Interlocal Risk Management Trust re: support of legislation

The First Warden explained the Town's insurer is asking the Town to support proposed legislation which would limit the liability of Towns and Cities, and individuals serving there, unless the individuals are acting beyond their scope.

Mr. Torrey moved to adopt the resolution, and to send a copy of the resolution to RI Interlocal Risk. Motion was seconded by Dr. Baute.

Ayes: 4 (Gaffett, Torrey, Baute, Martin) Nays: 0 Absent: 1 (Lacoste)

6. Receive and act on letter from TNS Shellfish Commission re: designating Aquaculture lease sites

The Shellfish Commission recommends designating three acres outside Cormorant Cove for quarter-acre aquaculture leases. The area would be used to grow out shellfish stock during the summer of 2010. The First Warden favors endorsing the Shellfish Commission's plan as a Town Council policy statement while the Town works with the Shellfish Commission and legal counsel to amend the Harbor Management Plan and Harbors ordinances to allow aquaculture in Type I waters. The Town Council will be meeting with the Shellfish Commission on Monday to discuss aquaculture and other issues.

Dr. Baute moved to adopt the Shellfish Commission communication dated March 4, 2010 (attached) as Town policy, and to work towards amending Town ordinances to allow such uses. The motion was seconded by Mr. Torrey.

Ayes: 4 (Gaffett, Torrey, Baute, Martin) Nays: 0 Absent: 1 (Lacoste)

7. Receive New Shoreham Tourism Council Financial Statements for the Year Ended June 30, 2009

Ms. Gaffett moved to accept the report, seconded by Mr. Martin.

Ayes: 4 (Gaffett, Torrey, Baute, Martin) Nays: 0 Absent: 1 (Lacoste)

[The audit was performed by Melucci, Bissonnette & Company, LTD. There was no management letter.]

8. Boards, Committees & Commissions

- Appointments: Island Energy Committee
- Establish charge for Island Energy Committee

Dr. Baute moved to appoint John Warfel and Sam Bird to the Island Energy Committee, seconded by Second Warden Torrey.

Ayes: 4 (Gaffett, Torrey, Baute, Martin) Nays: 0 Absent: 1 (Lacoste)

Ms. Gaffett noted there is no charge to act on at this time.

9. Receive and act on letter from RI Natural History Survey re: Bioblitz

First Warden Gaffett, a board member of the RI Natural History Survey, recused. Second Warden Raymond Torrey read a letter from the RI Natural History Survey requesting permission to use Town property during their bioblitz June 12 and 13, 2010. Volunteer scientists and naturalists will identify species on open spaces on the North end of the Island, including Town land, to collect information about species diversity. The RINHS asks permission to conduct biological surveys on Plat 1 Lot 1-2 (North Light), Plat 1 Lot 16 (dunes & beaches of West Beach), Plat 1 Lot 18 (Settlers Rock), Plat 2 Lot 24 (northeast Clay Head), Plat 2 Lot 34 (Hodge Preserve), Plat 2 Lot 50 (Breed land), Plat 3 Lot 45 (Andy's Way), Plat 3 Lots 127 and 128 (Mansion Beach), and Plat 20 Lot 20 (dunes & beaches north of the Great Salt Pond).

Dr. Baute move to allow the RI Natural History Survey scientists and support staff to conduct biological surveys of Town property on the North end of the Island during the June 12 and 13, 2010 bioblitz in accordance with the RINHS communication of March 12, 2010, and to allow camping on the Lampham property during the event.

Ayes: 3 (Torrey, Baute, Martin) Nays: 0 Absent: 1 (Lacoste) Recuse: 1 (Gaffett)

10. Correspondence:

- Fran and Rally Migliaccio re: Sands Pond
- Erik Wallin re: Zoning Public Hearing notice for Plat 5 lot 101 (Harbor Road Yacht Basin)
- RI DEM re: Maintenance Dredging Great Salt Pond entrance
- Nicholas Ratti, Jr. re: wind turbines near Block Island
- Schacht & McElroy re: Interstate Navigation Co.'s PUC Data Request/Exogenous events
- Schacht & McElroy re: Interstate Navigation Company's Fast Ferry Rate filing

No action was needed or taken regarding the correspondence.

- The Town Manager helped Mr. Migliaccio contact the DEM; he has permission to put sandbags on his property.
- Erosion is undermining Corn Neck Road and threatening the access road to Blane's. The Road Superintendent could not locate a culvert in the area; there was speculation that drainage might have been through an old stone bridge under the road. Mr. Chris Blane suggested mapping Island drainages.
- Discussion ensued of rental cars with respect to asking Planning Board if changes need to be made to the Zoning Ordinance (a limited number are grandfathered under zoning).

11. Approval of minutes: March 1 (12:15 p.m. and 7:00 p.m.), March 3 budget work session

The minutes of March 1, 2010 (2:15 alarm system) will be held pending changes from the Town Manager. Minor changes were made to the minutes of March 1 (7:00) and March 3, 2010.

Second Warden Torrey moved to approve the minutes of March 1, 2010 (7:00) and March 3, 2010 with minor changes, seconded by Mr. Martin.

Ayes: 4 (Gaffett, Torrey, Baute, Martin) Nays: 0 Absent: 1 (Lacoste)

12. Review upcoming meeting schedule

Town Council will meet with the Shellfish Commission at 5:30 March 22 at the Fire Barn; the next budget meeting will be 7:00 Wednesday March 24; the PUC Public Hearing on Docket 4111 will be March 26 at 10:30, the Council will meet with legislators at 2:15 on March 26.

13. Review status Land Purchase Plat 6 Lot 147 (May be considered in closed session pursuant to Rhode Island General Laws §42-46-5(a)(5) for the acquisition of real property for public purposes)

At 9:00, First Warden Gaffett moved to enter closed session pursuant to Rhode Island General Laws §42-46-5(a)(5) for the acquisition of real property for public purposes, seconded by Mr. Torrey.

Ayes: 4 (Gaffett, Torrey, Baute, Martin) Nays: 0 Absent: 1 (Lacoste)

Discussion was held in closed session.

14. Discuss and explore Employee's Contract relative to FY11 budget options (May be considered in closed session pursuant to Rhode Island General Laws §42-46-5(a)(2) for sessions pertaining to collective bargaining)

First Warden Gaffett moved to enter closed session pursuant to Rhode Island General Laws §42-46-5(a)(2) for sessions pertaining to collective bargaining, seconded by Mr. Torrey.

Ayes: 4 (Gaffett, Torrey, Baute, Martin) Nays: 0 Absent: 1 (Lacoste)

Discussion was held in closed session.

At 9:25, a motion to adjourn the closed session meeting and seal the minutes was made by Mr. Torrey and seconded by Mr. Martin.

Ayes: 4 (Gaffett, Torrey, Baute, Martin) Nays: 0 Absent: 1 (Lacoste)

No motions were made during closed session.

At 9:25 a motion to adjourn was made by Dr. Baute and seconded by Mr. Martin.

Ayes: 4 (Gaffett, Torrey, Baute, Martin) Nays: 0 Absent: 1 (Lacoste)

Minutes approved April 5, 2010

Fiona Fitzpatrick
Town Clerk